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CHAPTER 1

AUTHORITY AND GENERAL POLICY

SECTION 1. Authority

1101. UNITED STATES CODE. The basic authority to establish and operate correctional facilities, reference (d), states:

a. "The Secretaries concerned may provide for the establishment of such military correctional facilities as are necessary for the confinement of offenders against chapter 47 of this title."

b. "The Secretary concerned shall-

(1) Designate an officer for each armed force under his jurisdiction to administer military correctional facilities established under this chapter;

(2) Provide for the education, training, rehabilitation, and welfare of offenders confined in a military correctional facility of his department; and

(3) Provide for the organization and equipping of offenders selected for training with a view to their honorable restoration to duty or possible reenlistment."

c. "There shall be an officer in command of each major military correctional facility. Under regulations to be prescribed by the Secretary concerned, the officer in command shall have custody and control of offenders confined within the facility which he commands, and shall usefully employ those offenders as he considers best for their health and reformation, with a view to their restoration to duty, enlistment for future service, or return to civilian life as useful citizens."

d. "There may be made or repaired at each military correctional facility such supplies for the armed forces or other agencies of the United States as can properly and economically be made or repaired at such facilities."

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1102. DEPARTMENT OF DEFENSE DIRECTIVE 1325.4. DoD Directive 1325.4 of 19 May 1988 implements the provisions of reference (d) and states:

"The Secretaries of the Military Departments shall:

a. Issue regulations on the confinement of military prisoners and administration of military corrections' programs and facilities that are consistent with this Directive.

b. Designate a senior officer for each Military Service under his or her jurisdiction to administer military confinement facilities established under 10 U.S.C., Chapter 48.

c. Provide necessary military confinement facilities.

d. Ensure that their Departments are represented on the Department of Defense Corrections Council.

e. Provide programs for education, training, rehabilitation, and the welfare of military prisoners consistent with this directive.

f. Provide return-to-duty programs for selected prisoners; and

g. Provide clemency and parole programs in accordance with this directive and 10 U.S.C., Chapter 47; 10 U.S.C., Chapter 48; and the Manual for Courts-Martial, United States, (1995 edition)."

1103. UNITED STATES NAVY REGULATIONS, 1990. Article 1105 of Navy Regulations (NAVREGS) (reference (b)) sets the following parameters:

1. "Prisoners shall be confined only in brigs or other facilities designated as naval places of confinement by the Secretary of the Navy. However, in cases of necessity, the senior officer present may authorize temporary confinement in spaces which provide sufficient security features, safety for both the prisoner and guard personnel, and adequate living conditions."

2. "Intoxicated persons or persons under the influence of marijuana, narcotic substances, or controlled substances as defined in these regulations shall not be confined in any place or manner that may be dangerous to them in their condition."

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SECTION 2. GENERAL POLICY1201. SECRETARY OF THE NAVY POLICY

1. General. Discipline is to be administered on a corrective rather than a punitive basis, and naval correctional facilities are to be administered on a uniform basis. It is desirable for persons under sentence of courts-martial or other military tribunals to be accorded uniform treatment, in furtherance of equality within the Department of the Navy and in justice to the individuals concerned.
2. Corrections Manual. The Department of the Navy Corrections Manual is the primary policy statement of the Secretary of the Navy applicable to confinement and correction of naval offenders. It is the policy of the Secretary of the Navy that the treatment of persons in naval confinement be uniform and in full accord with the provisions of the Uniform Code of Military Justice (UCMJ) (reference (a)) and that the major purpose of all awarded confinement be the correction of the members confined. It is also the policy of the Secretary of the Navy that confined naval personnel retain all of the rights and responsibilities of other service personnel in a duty status except those which are expressly, or by implication, taken away under the provisions of the UCMJ and such regulations as may be issued by competent authority.
3. Parole of Sentenced Prisoners. The Secretary of the Navy is authorized, by Title 10, United States Code, Section 952, to provide a system of parole for certain prisoners confined in military correctional facilities. The policy and procedures for conditional release from confinement, or parole, of eligible Navy and Marine Corps prisoners are set forth in reference (e).
4. Correctional Custody. The policy and procedures for administering correctional custody within the naval service are set forth in reference (f).
5. Delegation of Authority. The Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (MHC) are designated to administer brigs in accordance with this manual, NAVREGS, DoD Directives, and Title 10, United States Code.
 - a. The Chief of Naval Personnel shall exercise primary and final responsibility for developing and issuing correctional confinement policy and procedures within the naval service in all matters which are not endemic to the United States Marine Corps.

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b. The Chief of Naval Personnel is also responsible for the operation of Naval Consolidated Brigs. The Chief of Naval Personnel's correctional responsibilities are carried out by corrections specialists on the staff of the Chief of Naval Personnel (Pers-84). They are professional penologists with extensive experience in civilian and military corrections. It is their responsibility to inspect major claimants' corrections programs triennially, in order to evaluate the major claimants' performance in monitoring day-to-day operation of correctional facilities within their claimancies and to provide guidance and advice on all matters pertaining to corrections. The Chief of Naval Personnel (Pers-84) responsibilities shall include, but are not limited to, the following:

- (1) Maintaining cognizance over this manual.
- (2) Maintaining cognizance over related or supplemental instructions and coordinating content of instructions issued by other Naval activities which impact upon confinement.
- (3) Preparing standardized inspection formats for major claimant inspections, conducting at least annual inspections of confinement facilities under the Chief of Naval Personnel Command, and monitoring inspection reports to ensure this instruction is implemented and actions are taken to correct deficiencies.
- (4) Conducting on-site visits as directed by the Chief of Naval Personnel and providing technical assistance to all Navy commands operating naval brigs, detention facilities, and correctional custody units.
- (5) Providing major claimants assistance and training in connection with operation of correctional facilities and appropriate direction as needed.
- (6) Evaluating the functional adequacy of naval brigs, detention facilities, correctional custody units; reviewing planned alterations and new construction projects; and making appropriate recommendations for action by the Secretary of the Navy to designate authorized places of naval confinement.
- (7) Developing and managing a system governing transfer of Navy prisoners between military confinement facilities. Developing inter-service support agreements with other services for confinement of Navy prisoners. Developing procedures to effect transfer of Navy prisoners to civilian confinement facilities and approving all such transfers.

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(8) Establishing and maintaining a system to evaluate and provide statistical confinement data and an evaluation of correctional programs and management, and disseminating the information developed.

(9) Developing, evaluating, and monitoring correctional training programs for correctional personnel and prisoners.

(10) Providing technical assistance when requested in all areas of confinement to the Commandant of the Marine Corps (Code MHC).

(11) Acting as primary agent for the Secretary of the Navy in all confinement matters relative to Department of Defense and inter-agency activities.

(12) Representing the Navy on the DoD Corrections Council.

c. The Commandant of the Marine Corps (Code MHC) shall support the Chief of Naval Personnel in developing and promulgating correctional/confinement policy and procedures and controls the operations of all Marine Corps brigs, detention facilities/spaces, and correctional custody units. This responsibility shall include, but is not limited to, the following:

(1) Developing and staffing appropriate changes to this manual and related Marine Corps directives.

(2) Developing and coordinating a system governing transfer of Marine Corps prisoners among DoD and federal confinement facilities.

(3) Establishing, maintaining, and providing statistical data relating to corrections, confinement programs, prisoner populations, and Marine Corps deserter and absentee rates.

(4) Serving as the Marine Corps' point of contact for all correctional matters and maintaining liaison with federal and state correctional agencies as well as other military services in regard to Marine Corps prisoners.

(5) Conducting triennial on site inspections of Marine Corps brigs, detention facilities/spaces and correctional custody units. Assigns maximum rated capacities and functional adequacy classifications.

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(6) Representing the Marine Corps on the DoD Corrections Council.

(7) Serving as the occupational field sponsor for the corrections field.

d. Navy major second echelon commands (major claimants), and the commanding generals of Marine Corps installations, through the chain of command, are directly responsible for the operations of correctional facilities within their claimancy/installation. The strong involvement of the chain of command in the day-to-day operation of correctional facilities is essential if proper standards are to be maintained and if the best use of the corrections system for the good of the entire naval service is to be achieved. This responsibility shall include the following:

(1) Maintaining cognizance of the correctional facilities under their command and ensuring their compliance with this manual and all other directives from proper authority.

(2) Maintaining cognizance over supplemental instructions concerning correctional policy and procedures as issued by the Chief of Naval Personnel or Commandant of the Marine Corps (Code MHC) and ensuring instructions are issued to the correctional facilities under their command.

(3) Ensuring regular (at least annual) on-site inspections of brigs, detention facilities/spaces and correctional custody units in accordance with inspection formats provided by the Chief of Naval Personnel (Pers-84), the Commandant of the Marine Corps (Code MHC), and the major claimants shall and providing guidance and assistance in their operations. If delegated to a subordinate commander, persons conducting the inspections must be qualified corrections specialists certified by the Chief of Naval Personnel using criteria established by the Chief of Naval Personnel. A copy of all such inspection reports will be forwarded to the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

(4) Ensuring, where possible, that brigs, detention facilities and correctional custody units conform to functional adequacy standards as issued by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

(5) Submitting where it is not possible to meet functional adequacy standards (due to basic brig configuration/construction, or due to funding constraints), a

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military construction project for a new brig or for renovation of the existing facility to remedy identified discrepancies.

(6) Ensuring staffing for correctional facilities within their claimancies is in accordance with manpower requirements of each service.

1202. CORRECTIONAL PHILOSOPHY

1. The philosophy of naval corrections is based on recognition of the fact that, whether it be confinement or in some other form, punishment alone is seldom corrective. Confinement is punishment because it denies members their liberty and separates them from their families, friends, and most normal activities. It means loss of status and disapproval of the individual offender by the military society. Confinement sharply limits the prisoners' privileges, freedom of action, and opportunities for personal satisfaction. More significantly, it also lowers their self-respect.

2. Members are sentenced to confinement as punishment; they are not confined for punishment by any member of the staff of a brig except as provided for by law and regulation. Hazing, harassment, unauthorized exercises, unnecessary restrictions or deprivations, and demeaning treatment serve no useful purpose and are prohibited. The friction they cause creates tension between staff and prisoners and leads to acts of aggression, retaliation, and serious individual or mass disturbances. Prisoners forced to comply with unreasonable, unnecessary, and unmilitary routines lose respect for the authority which imposes them.

3. The length of time a person spends in confinement does not automatically bring a change in the individual's life; however, the staff members' intelligent performance of their correctional duties can provide the environment in which prisoners can more readily see and incorporate responsibility into their own lives.

4. This manual sets forth procedures which ensure fair, impartial, and humane treatment of prisoners in compliance with law, regulation, and naval policy. It provides for a correctional program which includes counseling and a systematic evaluation of prisoners which is a prerequisite for intelligent decisions on custody, work, training, clemency, and disposition. The program includes work, military and physical training, an opportunity for self improvement, recreation, and religious participation. The goal is to restore the maximum number of prisoners to duty at the earliest time, better prepared to perform useful, offense-free service, and thus salvage the individual member and, in part, the money and effort spent in

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recruitment, training, and discipline. Absent restoration, prisoners will be prepared to return to offense free civilian life as part of the Naval Service's obligation to the greater community-at-large.

SECTION 3. APPLICABILITY AND EXCEPTIONS

1301. APPLICABILITY

1. This manual is the basic directive of the Secretary of the Navy governing naval corrections and takes precedence in all matters thereto.
2. The Chief of Naval Personnel and the Commandant of the Marine Corps (Code MHC) shall issue instructions and procedures to ensure the uniform application of this instruction within their service.
3. Commanding officers may issue local instructions to implement these procedures. Copies of local instructions will be provided to major claimants and the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).
4. Departmental bureaus and offices exercising primary command or support over a field activity having an approved correctional facility shall include the task of operating that facility in the tasks and mission of the appropriate echelon within the command structure to which the facility belongs. Staff personnel provided by other military services shall be under the operational control of the organization tasked with command of the correctional facility.

1302. EXCEPTIONS

1. If the requirements of this manual cannot be met immediately, a waiver will be requested, via the chain of command, from the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC), as appropriate. Such waiver requests will indicate any measures considered necessary to compensate for the waived requirements. Permanent waivers will not be granted for fire or life safety issues, however an initial waiver may be granted for a maximum of 18 months under the same procedures as above. If waivers are approved for fire/life safety issues, the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) shall provide or approve any operational guidance required to reduce the possibilities of injury or loss of life. Waiver requests for fire or life safety issues will be coordinated with the installation Fire Marshall or Base Safety

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Manager. Fire/Safety waivers will further be coordinated with the cognizant headquarters element for fire/safety.

2. Requests for extensions of waivers involving fire/life safety issues shall be forwarded to the Secretary of the Navy with the endorsement of each echelon, and shall provide justification for the extension, to include circumstances preventing resolution of the discrepancy during the waiver period.

3. If waivers are not approved, the spaces affected shall be closed and not operated until the discrepancies are eliminated. The major claimant will determine when the discrepancy has been resolved and shall notify all concerned.

4. Older facilities are not expected to immediately be in compliance with new requirements, except fire/life safety, and needed waivers should be identified until time and funds permit upgrade of the facilities. Permanent waivers needed for physical plant features not easily renovated should also be identified at major annual inspections.